

Kyogle Council

Legislative Compliance Policy



1. Title

This document may be cited as Kyogle Council's Legislative Compliance Policy.

2. Validity

This Policy derives its validity from Council Resolution CO/0520/8.

3. Policy Objectives

A fundamental principle of good public administration is that public officials comply with the letter and spirit of the law.

Council has an obligation to ensure that legislative requirements are complied with. The community and those working at Council have a high expectation that Council will comply with applicable legislation and Council should take all appropriate measures to ensure that expectation is met.

4. Policy Statement

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and integrated into the everyday running of the Council.

These processes and structures aim to: -

- a) Develop and maintain a system for identifying legislation that applies to Council's activities.
- b) Assign responsibilities for ensuring legislation and regulatory obligations are fully implemented in Council.
- c) Provide training for staff, Councillors, and volunteers in relevant legislative requirements.
- d) Provide the resources to identify and remain up-to-date with new legislation.
- e) Conduct audits to ensure compliance.
- f) Establish a mechanism for reporting non-compliance.
- g) Review accidents, incidents and other situations where there may have been non-compliance.
- h) Review audit reports, incident reports, complaints and other information to assess how systems of compliance can be improved.
- i)

5. Roles and Responsibilities

Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

Senior Management (General Manager & Directors)

Senior Management should ensure compliance directions are unequivocal and all legal requirements are identified. Senior Management to implement systems to ensure that all staff are kept fully informed, briefed and/or trained about key legal requirements relative to their work.

Employees

Employees should stay informed of relevant legislative requirements. Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.

6. Implementation of Legislation

Council will ensure when legislative amendments are made, steps are taken to ensure compliance.

7. Identifying Current Legislation

Legislation

Council accesses electronic up to date versions of legislation through the New South Wales legislation website at www.legislation.nsw.gov.au. The NSW legislation website is the official NSW Government site for the online publication of legislation, and is provided and maintained by the Parliamentary Counsel's Office.

Office of Local Government circulars, and notifications from other government agencies are regularly provided to Council.

Australian Standards

Council subscribes to Standards Australia and maintains a library of relevant Australian Standards. As a member, Council receives alert updates to amendments of the Standards it has purchased.

8. Identifying New or Amended Legislation

a) NSW Government Gazette

Council provides website access for staff to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales. Staff conduct regular checks of each Government Gazette for any new or amended legislation applicable to Council. Details of new or amended legislation are distributed to relevant staff and Councillors.

b) Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation. Details of new or amended legislation are distributed to relevant staff and Councillors.

c) NSW Department of Planning Industry and Environment

Council receives regular circulars from the Department of Planning Industry and Environment on new and amended legislation. Details of new or amended legislation are distributed to relevant staff and Councillors.

d) Local Government NSW

Council receives a weekly circular from the Local Government NSW. The circulars discuss legislative changes to Governance, Finance, Planning and Environment.

e) Special Interest Groups and Networking

Council is involved in a number of Council networking and alliance groups including planning, human resources, governance, risk management and records groups. These groups meet periodically to discuss matters, including legislative change.

9. Obtaining Advice on Legislative Provisions

Council shall obtain advice on matters of legislation and compliance where necessary. Contact can be made with the relevant Legal Officer in either of the following for advice:-

- Local Government NSW (Legal Officer)
- Office of Local Government (Legal Services Branch)
- Council's Solicitors

10. Informing Council of Legislative Change

The General Manager or delegated officer will, on receipt of advice of legislative amendments, report to Councillors via email, workshop or Council meeting on the new or amended legislation.

Reports to Council meetings provide *Background Information* which may detail relevant sections of Acts, Regulations or other government directions.

11. Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and report the matter to the relevant Director.

The General Manager may investigate any reports of non-compliance and if necessary report non-compliance to the Council, Internal Audit

Committee and/or the Office of Local Government. The General Manager will also take the necessary steps to maintain and improve compliance systems.